

GOVERNMENT OF ANDHRA PRADESH

**ABSTRACT**

Budget- Refund of revenue amount of Rs. 2,50,000 (Rupees Two lakh Fifty thousand only) to the DFO Nellore of Guntur circle for payment of bank guarantee to the Petitioner - orders issued.

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ENVIRONMENT, FORESTS, SCIENCE & TECHNOLOGY (FOR.II) DEPARTMENT

G.O.Rt.No. 366

Dated:18-07-2009.

Read the following:-

- 1) From the Principal Chief Conservator of Forests, A.P., Hyderabad Lr. No. 12515/2009/E2, Dt: 25.05.2009.
- 2) From the Principal Chief Conservator of Forests, A.P., Hyderabad Lr. No. 12515/2009/E2, Dt: 20.06.2009.

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**ORDER:**

The Principal Chief Conservator of Forests, A.P., Hyderabad has stated that a lorry bearing No. AP 26 T1 involved in DOR No.6/93-94, dt.31.08.1993 was confiscated to state by the Authorized Officer Cum DFO, Nellore on 24.12.1993 after conducting due enquiry of the case. The lorry owner preferred an appeal before the appellant authority on 24.1.1994 (ie. Before court of District Judge, Nellore) pleading for release of the lorry pending disposal of the appeal. The petition was allowed by the Hon'ble District Court, Nellore and ordered to release the lorry bearing No. AP 26 T1, pending disposal of the appeal after taking bank guarantee of Rs.2.50 lakhs as valued by the MVI, Nellore.

2. The Government pleader has furnished his legal opinion on the orders of the District Judge, Nellore in I.A. 28/94 C-M-A 4/94 dt.5.03.1994 stating that "it is not fit case for appeal" and advised to release the lorry according to the conditions imposed by the District Judge, Nellore. The District Judge, Nellore in O.A. No.28, 1994 in CMA No. 4 of 1994 directed that the bank guarantee which the petitioner furnished shall be kept alive till the proceedings are concluded and it shall be subject to such orders as may be passed by this court or any other court".

3. The District Judge, Nellore in C.M.A. No.4/1994 dismissed the appeal and confirmed the confiscation orders issued by the Authorized Officer - Cum DFO, Nellore in DOR No.6/93-94 vide CMA No.4/1994 dt.29.4.1998 on receipt of orders. Accordingly, the authorized officer issued a notice to the lorry owner Sri Y. Venku Reddy vide DOR No.6/93-94, dt.14.7.1998 to produce the vehicle within 10 days other wise the Bank Guarantee of Rs.2.50 lakh pledged by him would be forfeited to State. The DFO-Cum-Authorized Officer on non production of the vehicle by the lorry owner, AP 26 T1 remitted the Bank Guarantee of Rs.2.50 lakh realised from the City Union Bank, Nellore into the sub Treasury, Nellore vide Challan No. 1/3-10-1998 under the Head of Account 8782 Cash remittance 103 - Forest Remittance.

4. Aggrieved by the action of Authorized Officer, the lorry owner filed W.P No. 27183 of 1998, dt.3.10.1998 in the Hon'ble court of Judicature, A.P., Hyderabad to suspend the operations of the order confiscating the lorry. The Hon'ble High Court of Judicature, AP, Hyderabad, passed orders on writ petition No.27183 of 1998 dt.27.9.2007, directing the respondent to return the said bank guarantee with accrued interest thereon to the petitioner

forthwith as the vehicle belongs to the petitioner was already released on furnishing the bank guarantee.

5. The Conservator of Forests, Guntur has requested the Government for release of budget with accrued interest in view of the judgement. The bank authorities stated that an amount of Rs.3,62,292 is the interest accrued on Rs.2.50 lakhs (Rs.2,50,000 + Rs.3,62,292 = Rs.6,12,292). Mean while the lorry owner filed a contempt case No.1574 of 2008 dt.20.4.2009 and the Hon'ble High Court, A.P., Hyderabad issued directions to the DFO, Nellore for personal appearance..

6. The Principal Chief Conservator of Forests, A.P., Hyderabad has requested the Government to take necessary action for providing budget of Rs.6,12,292/- under the head of refunds of revenue with interest accrued thereon from 22.9.1998 till payment is made for the year 2008-09 for Guntur Circle, so as to avoid contempt of court.

7. The Government after careful examination of the proposal of the PCCF, A.P, Hyderabad hereby order for refund of bank guarantee amount of of Rs. 2,50,000 (Rupees Two lakh Fifty thousand only) to the petitioner. The expenditure shall be debited to the Head of Account "8782 Cash remittance-103 Forest remittance".

8. The Principal Chief Conservator of Forests, A.P., Hyderabad shall take further action in the matter.

9. This order issues with the concurrence of Finance Department vide their U.O.No.17053/113/A2/Exp.M & F/09, dt.17.07.2009.

(BY ORDER AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

JANAKI. R. KONDAPI  
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To  
The Principal chief Conservator of Forests,  
Andhra Pradesh, Hyderabad.

Copy to:

The Director of Treasuries and Accounts, A.P., Hyderabad  
The Conservator of Forests, Guntur  
The District Treasury Officer, Nellore.  
The District Forest Officer, Nellore.  
The Finance (Exp. M & F) Department.  
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER